

EXHIBIT A

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KEITH MCBROOM,

Plaintiff,

v.

LVNV FUNDING, LLC,

Defendant.

CIVIL DIVISION

ELECTRONICALLY FILED

GD-21-_____

**PRAECIPE FOR WRIT
OF SUMMONS**

Filed on Behalf of Plaintiff:
Keith McBroom

Counsel of Record for this Party:
THE LAW FIRM OF FENTERS WARD

Joshua P. Ward
Pa. I.D. No. 320347

The Law Firm of Fenters Ward
The Rubicon Building
201 South Highland Avenue
Suite 201
Pittsburgh, PA 15206

Telephone: (412) 545-3015
Fax No.: (412) 540-3399
E-mail: jward@fentersward.com

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KEITH MCBROOM,

CIVIL DIVISION

Plaintiff,

ELECTRONICALLY FILED

v.

GD-21-_____

LVNV FUNDING, LLC,

Defendant.

PRAECIPE FOR WRIT OF SUMMONS

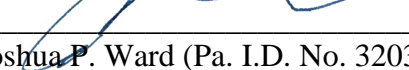
TO PROTHONOTARY OF THE COURT OF COMMON PLEAS OF ALLEGHENY
COUNTY, PENNSYLVANIA:

Kindly issue a writ of summons in the above-captioned matter.

Respectfully submitted,

THE LAW FIRM OF FENTERS WARD

Date: February 23, 2021

By: 
Joshua P. Ward (Pa. I.D. No. 320347)
Kyle H. Steenland (Pa. I.D. No. 327786)

The Law Firm of Fenters Ward
The Rubicon Building
201 South Highland Avenue
Suite 201
Pittsburgh, PA 15206

Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KEITH MCBROOM,

Plaintiff,

vs.

LVNV FUNDING, LLC,

Defendant.

CIVIL DIVISION

ELECTRONICALLY FILED

Case No.: GD-21-001476

**AFFIDAVIT OF SERVICE OF
PRAECIPE OF WRIT OF SUMMONS**

Filed on Behalf of Plaintiff:
Keith McBroom

Counsel of Record for This Party:

J.P. WARD & ASSOCIATES, LLC

Joshua P. Ward
Pa. I.D. No. 320347

The Rubicon Building
201 South Highland Avenue
Suite 201
Pittsburgh, PA 15206

Telephone: (412) 545-3015
Fax: (412) 540-3399
E-mail: JWard@JPWard.com

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KEITH MCBROOM,

CIVIL DIVISION

Plaintiff,

ELECTRONICALLY FILED

vs.

Case No.: GD-21-001476

LVNV FUNDING, LLC,

Defendant.

AFFIDAVIT OF SERVICE OF PRAECIPE OF WRIT OF SUMMONS

| | | |
|------------------------------|---|----|
| COMMONWEALTH OF PENNSYLVANIA | : | |
| | : | §§ |
| COUNTY OF ALLEGHENY | : | |

AFFIDAVIT

I, Joshua P. Ward, Esquire, of J.P. Ward & Associates, LLC, hereby swear and affirm that on April 1, 2021, I served a true and correct copy of the Praecipe for Writ of Summons in Civil Action, by way of U.S. Certified Mail, Electronic Return Receipt Requested upon the following persons listed below: (See attached Exhibit A, “the Certified Mail Receipts”).

LVNV Funding, LLC
6801 South Cimarron Road
Suite 401
Las Vegas, Nevada 89113-2273

Respectfully submitted,

J.P. WARD & ASSOCIATES, LLC

Date: April 5, 2021

By: 

Joshua P. Ward (Pa. I.D. No. 320347)

Kyle H. Steenland (Pa. I.D. No. 327786)

The Rubicon Building
201 South Highland Avenue
Suite 201
Pittsburgh, PA 15206

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of April 2021, a true and correct copy of the foregoing
Proof of Service was served via first class mail upon the following:

LVNV Funding, LLC
6801 South Cimarron Road
Suite 401
Las Vegas, Nevada 89113-2273

Respectfully Submitted,

J.P. WARD & ASSOCIATES, LLC

Date: April 5, 2021

By: 

Joshua P. Ward (Pa. I.D. No. 320347)

Kyle H. Steenland (Pa. I.D. No. 327786)

J.P. Ward & Associates, LLC
The Rubicon Building
201 South Highland Avenue
Suite 201
Pittsburgh, PA 15206

EXHIBIT A



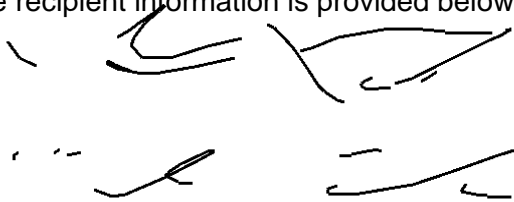
Mailer: JP Ward & Associates

Date Produced: 04/05/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8336 0156 40. Our records indicate that this item was delivered on 04/01/2021 at 11:12 a.m. in LAS VEGAS, NV 89113. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

LVNV FUNDING LLC
STE 401
6801 S CIMARRON RD
LAS VEGAS NV 89113-2273

Customer Reference Number: C2602003.14993688

Return Reference Number 3234.1

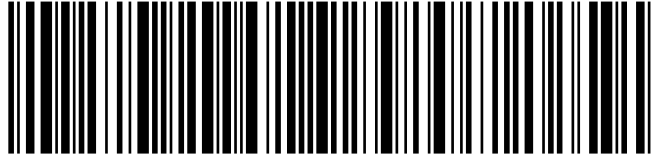
**Return address:**

JP WARD & ASSOCIATES
201 S HIGHLAND AVE STE 201
PITTSBURGH PA 15206

Recipient address:

LVNV FUNDING LLC
STE 401
6801 S CIMARRON RD
LAS VEGAS NV 89113-2273

MAILING DATE: 03/29/2021
DELIVERY DATE: 04/01/2021

USPS CERTIFIED MAIL

9214 8901 9403 8336 0156 40

USPS Tracking Label Number: 9214 8901 9403 8336 0156 40

| USPS Tracking History | Location | Date / Time |
|--|---------------------|--------------------|
| PRE-SHIPMENT INFO SENT USPS AWAITS ITEM | PITTSBURGH,PA 15206 | 03/29/2021 11:16 |
| ORIGIN ACCEPTANCE | PITTSBURGH,PA 15206 | 03/29/2021 22:39 |
| PROCESSED THROUGH USPS FACILITY | PITTSBURGH,PA 15290 | 03/29/2021 23:54 |
| PROCESSED THROUGH USPS FACILITY | LAS VEGAS,NV 89199 | 03/31/2021 14:24 |
| PROCESSED THROUGH USPS FACILITY | LAS VEGAS,NV 89199 | 04/01/2021 00:02 |
| DELIVERED FRONT DESK/RECEPTION/MAIL ROOM | LAS VEGAS,NV 89113 | 04/01/2021 11:12 |

PHONE::

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KEITH MCBROOM,

Plaintiff,

v.

LVNV FUNDING, LLC,

Defendant.

CIVIL DIVISION

ELECTRONICALLY FILED

Case No.: GD-21-001476

**PRAECIPE FOR RULE TO FILE
COMPLAINT**

FILED ON BEHALF OF DEFENDANT
LVNV FUNDING, LLC

Counsel of Record for this Party:

Lauren M. Burnette, Esquire
PA Bar No. 92412

Messer Strickler, Ltd.
12276 San Jose Blvd.
Suite 718
Jacksonville, FL 32223

Tel: (904) 527-1172
Fax: (904) 683-7353

lburnette@messerstrickler.com

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KEITH MCBROOM,

Plaintiff,

v.

LVNV FUNDING, LLC,

Defendant.

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CIVIL DIVISION

ELECTRONICALLY FILED

Case No. GD-21-001476

PRAECIPE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Please enter a Rule upon Plaintiff to file a Complaint within twenty (20) days hereof or suffer the entry of a Judgment of Non Pros.

/s/ Lauren M. Burnette
Lauren M. Burnette, Esquire
Counsel for Defendant

RULE TO FILE COMPLAINT

AND NOW, this ____ day of May 2021, a Rule is hereby granted upon Plaintiff to file a Complaint herein within twenty (20) days after service hereof or suffer the entry of Judgment Non Pros.

Prothonotary

CERTIFICATE OF SERVICE

I certify that on July 27, 2021, a true copy of the foregoing document was served as follows:

By Email and U.S. Mail, Postage Prepaid

Joshua P. Ward

Kyle H. Steenland

Jordan Kurth

The Law Firm of Fenters Ward

The Rubicon Building

201 South Highland Ave.

Suite 201

Pittsburgh, PA 15206

jward@fentersward.com

ksteenland@fentersward.com

jkurth@fentersward.com

Counsel for Plaintiff

MESSER STRICKLER, LTD.

By: /s/ Lauren M. Burnette
LAUREN M. BURNETTE
PA Bar No. 92412
12276 San Jose Blvd.
Suite 720
Jacksonville, FL 32223
(904) 527-1172
(904) 683-7353 (fax)
lburnette@messerstrickler.com
Counsel for Defendant

Date: July 27, 2021

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KEITH MCBROOM,

Plaintiff,

vs.

LVNV FUNDING, LLC,

Defendant.

CIVIL DIVISION

ELECTRONICALLY FILED

Case No. GD-21-001476

COMPLAINT IN CIVIL ACTION

Filed on Behalf of Plaintiff:
Keith McBroom

Counsel of Record for this Party:
J.P. WARD & ASSOCIATES, LLC

Joshua P. Ward
Pa. I.D. No. 320347

J.P. Ward & Associates, LLC
The Rubicon Building
201 South Highland Avenue
Suite 201
Pittsburgh, PA 15206

Telephone: (412) 545-3015
Fax No.: (412) 540-3399
E-mail: jward@jpward.com

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. **IF YOU CANNOT AFFORD TO HIRE A LAWYER**, this office may be able to provide you with information about agencies that may offer legal service to eligible persons at a reduced fee or no fee:

LAWYER REFERRAL SERVICE
11TH FLOOR KOPPERS BUILDING,
436 SEVENTH AVENUE
PITTSBURGH, PENNSYLVANIA 15219
TELEPHONE: (412) 261-5555

HEARING NOTICE YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in the Compulsory Arbitration Center. Report to the Arbitration Assembly Room, Courtroom Two, Seventh Floor City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania 15219, on _____, 2020, at 9:00 A.M.

IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. DUTY TO APPEAR AT ARBITRATION HEARING IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE: You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you before the hearing. If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KEITH MCBROOM,

CIVIL DIVISION

Plaintiff,

ELECTRONICALLY FILED

vs.

Case No. GD-21-001476

LVNV FUNDING, LLC,

Defendant.

COMPLAINT

AND NOW, comes Plaintiff, Keith McBroom, by and through the undersigned counsel, J.P. Ward & Associates, LLC and, specifically, Joshua P. Ward, Esquire, who files the within Complaint in Civil Action against Defendant, LVNV Funding, LLC, of which the following is a statement:

PARTIES

1. Plaintiff, Keith McBroom (hereinafter “Keith McBroom”), is an adult individual who currently resides at 410 Church St., Turtle Creek, Pennsylvania 15145.

2. Defendant, LVNV Funding, LLC, (hereinafter “LVNV Funding”), is a corporation with its principal place of business located at 6801 South Cimarron Road, Suite 424J, Las Vegas, Nevada 89113-2273.

JURISDICTION AND VENUE

3. Jurisdiction is proper as Plaintiff brings this lawsuit under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter, the “FDCPA”).

4. Venue is proper pursuant to Pa.R.C.P. 2179(a)(2) because Defendant regularly conducts business in Allegheny County, Pennsylvania, and because Defendant is subject to general jurisdiction of Allegheny County, Pennsylvania.

PROCEDURAL HISTORY AND FACTUAL ALLEGATIONS

5. On May 29, 2020, LVNV Funding, filed a Civil Complaint against Keith McBroom in Magisterial District Court at Docket Number: MJ-05247-CV-0000095-2020. A true and correct copy of the Docket is attached hereto, made a part hereof, and marked as Exhibit “A”.

6. In response to the aforesaid lawsuit, Keith McBroom engaged The Law Firm of Fenters Ward for representation.

7. On July 6, 2020, The Law Firm of Fenters Ward served LVNV Funding with a letter, (hereinafter, the “First Dispute Letter”) wherein LVNV Funding was informed of the disputed nature regarding the alleged debt and that Keith McBroom was represented by counsel. A true and correct copy of the First Dispute Letter is attached hereto, made a part hereof, and marked as Exhibit “B”.

8. This First Dispute Letter specifically stated that Keith McBroom “denie[d] owing LVNV Funding LLC any amount of money” and informed LVNV Funding LLC that Keith McBroom disputed any and all “Debts” LVNV Funding claimed to possess. See Exhibit “B”.

9. “Debts” as defined within the First Dispute Letter delineated and included “any related debt(s) and/or credit account(s) your company [LVNV Funding] claims to have, sold, purchased and/or assigned from yourself, another creditor, debt buyer or other entity as of the date of this letter. See Exhibit “B”.

10. Within the First Dispute Letter, The Law Firm of Fenters Ward demanded “proof of liability, accounting and ownership of these alleged accounts. The proof shall include any agreements and amendments thereto, any other written or signed documents agreed to by my client, as well as a complete history of billing statements reflecting how you calculated the current

amount claimed, owed, reported to the collection and/or credit agencies and complete copies of any assignment documentation evidencing your ownership rights to the specific accounts.” See Exhibit “B”.

11. Following the First Dispute Letter, LVNV Funding possessed a duty to reflect the disputed nature of any and all tradelines associated with Keith McBroom and to communicate said disputed nature to any and all credit reporting agencies.

12. Furthermore, LVNV Funding was directed to cease and desist from contacting Keith McBroom directly. See Exhibit “B”.

13. On July 7, 2020, The Law Firm of Fenters Ward filed an Entry of Appearance and an Intent to Defend on Keith McBroom’s behalf. True and correct copies of the Entry of Appearance and Notice of Intent to Defend are attached hereto, made a part hereof, and marked as Exhibit “C”.

14. On August 17, 2020, a Civil Action Hearing was held before the Honorable Scott Schricker, Magisterial District Judge. See Exhibit “A”.

15. On August 17, 2020, at the conclusion of the Civil Action hearing, Judge Scott Schricker granted a JUDGMENT FOR DEFENDANT in favor of Keith McBroom and against LVNV Funding. A true and correct copy of the Notice of Judgment is attached hereto, made a part hereof, and marked as Exhibit “D”.

16. On September 16, 2020, LVNV Funding’s appeal period expired, making Judge Scott Schricker’s JUDGMENT FOR DEFENDANT a final judgment: rendering the alleged debt extinguished, invalid, and unenforceable.

17. On January 6, 2021, LVNV Funding furnished credit information about Keith McBroom to TransUnion as LVNV Funding “updated” the tradeline associated with the alleged

and extinguished debt. A true and correct copy of the tradeline is attached hereto, made a part hereof, and marked as Exhibit “E”.

18. LVNV Funding failed to remove the tradeline pertaining to the alleged and extinguished debt and instead reported the abovementioned tradeline as “Remarks: ACCT INFO DISPUTED BY CONSUMR; >PLACED FOR COLLECTION<” and “Pay Status: >In Collection<.” See Exhibit “E”.

19. This controverted the alleged, extinguished, and unenforceable nature of the alleged debt and purported the alleged debt to be enforceable.

20. Therefore, LVNV Funding communicated credit information that is known or should be known to be false in violation of 15 U.S.C. § 1692e(8) of the FDCPA.

21. Furthermore, LVNV Funding falsely represented the character and legal status of the alleged and extinguished debt upon purporting the tradeline to be enforceable in violation of 15 U.S.C. § 1692e(2)(a) of the FDCPA.

COUNT I
VIOLATIONS OF THE FDCPA, 15 U.S.C. § 1692, *et seq.*

22. Plaintiff incorporates the allegations contained in the paragraphs, above, as if fully set forth at length herein.

23. There is abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy. 15 U.S.C. 1692(a).

24. The purpose of the FDCPA is to “eliminate abusive debt collection practices by debt collectors, to ensure that those debt collectors who refrain from using abusive debt collection

practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.” 15 U.S.C. § 1692(e).

25. Keith McBroom is a “consumer” as defined by § 1692a(3) of the FDCPA.

26. LVNV Funding is a “debt collector” as defined by § 1692a(6) of the FDCPA.

27. Upon information and belief, the alleged “debt” arises out of an alleged transaction entered into primarily for personal, family, or household purposes. “The term ‘debt’ means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.” 15 U.S.C. § 1692a(5).

28. The Third Circuit has held that the FDCPA is to be enforced by private attorney generals. *Weiss v. Regal Collections*, 385 F.3d 337, 345 (3d. Cir. 2004).

29. Section 1692e of the FDCPA provides:

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: (2) The false representation of – (A) the character, amount, or legal status of any debt; (8) Communicating or threatening to communicate to any person credit information which is known or which should be known to be false, including the failure to communicate that a disputed debt is disputed.

15 U.S.C. § 1692e of the FDCPA.

30. On September 16, 2020, LVNV Funding’s appeal period expired, making the Judgment of Judge Scott Schricker a final judgment which then rendered the alleged debt extinguished, invalid, and unenforceable.

31. On January 6, 2021, LVNV Funding furnished information regarding the alleged, extinguished, invalid, and unenforceable debt to TransUnion.

32. LVNV Funding reported that the tradeline associated with the abovementioned alleged and extinguished debt was “Remarks: ACCT INFO DISPUTED BY CONSUMR; >PLACED FOR COLLECTION<” and “Pay Status: >In Collection<.” See Exhibit “E”.

33. This communication of credit information associated with the alleged and extinguished debt controverted its extinguished, invalid, unenforceable nature and thereby constituted a false representation of the character and legal status of the alleged debt in violation of 15 U.S.C. § 1692e(2)(a) of the FDCPA.

34. By controverting the alleged, extinguished, invalid, and unenforceable nature of the alleged debt, LVNV Funding thereby communicated credit information which is known or which should be known to be false and thus violated 15 U.S.C. § 1692e(8) of the FDCPA.

35. Furthermore, LVNV Funding failed to remove the tradeline pertaining to the alleged and extinguished debt. See Exhibit “E”.

36. The continued reporting of the alleged, extinguished, invalid, and unenforceable debt purported said alleged debt to be enforceable.

37. Therefore, LVNV Funding once again falsely represented the character and legal status of an alleged debt in violation of 15 U.S.C. § 1692e(2)(a) of the FDCPA and communicated credit information which is known or which should be known to be false in violation of 15 U.S.C. § 1692e(8) of the FDCPA.

38. Section 1692d of the FDCPA provides, in relevant part: “A debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.”

39. Here, the only natural consequence of LVNV Funding's acts of willfully communicating credit information which was known to be false was to harass, oppress, and abuse Keith McBroom.

40. As such, LVNV Funding's conduct, as set forth above, violated 15 U.S.C. § 1692d of the FDCPA.

41. Section 1692k(a) of the FDCPA provides, in relevant part:

...any debt collector who fails to comply with any provision of this subchapter with respect to any person is liable to such person in an amount equal to the sum of – (1) any actual damages sustained by such person as the result of such failure; (2)(A) in the case of any action by an individual, such additional damages as the court may allow, but not exceeding \$1,000; and (3) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court.”

15 U.S.C. § 1692k(a) of the FDCPA.

42. As a direct and proximate result of LVNV Funding's violations of the FDCPA, as set forth above, Keith McBroom has suffered annoyance, anxiety, embarrassment, emotional distress, and severe inconvenience.

WHEREFORE, Plaintiff, Keith McBroom, respectfully requests that this Honorable Court enter judgment in their favor and against Defendant, LVNV Funding, LLC, and enter an award of monetary damages as described herein, not in excess of arbitration limits, including an award for actual damages, statutory damages pursuant to 15 U.S.C. §1692k(a), costs and attorney's fees pursuant to 15 U.S.C. § 1692k(a), and such other and further relief as this Honorable Court deems just and proper.

JURY TRIAL DEMANDED UPON APPEAL OR REMOVAL.

Respectfully submitted,

J.P. WARD & ASSOCIATES, LLC

Date: July 30, 2021

By: 

Joshua P. Ward (Pa. I.D. No. 320347)

Kyle H. Steenland (Pa. I.D. No. 327786)

J.P. Ward & Associates, LLC

The Rubicon Building

201 South Highland Avenue

Suite 201

Pittsburgh, PA 15206

Counsel for Plaintiff

EXHIBIT A

Magisterial District Judge 05-2-47**DOCKET**

Docket Number: MJ-05247-CV-0000095-2020

Civil Docket

LVNV Funding LLC
v.
Keith McBroom

Page 1 of 2

CASE INFORMATION

| | | | |
|-------------------------|---|---------------------|------------|
| <u>Judge Assigned:</u> | Magisterial District Judge Scott H. Schricker | <u>File Date:</u> | 05/29/2020 |
| <u>Claim Amount:</u> | \$940.05 | <u>Case Status:</u> | Closed |
| <u>Judgment Amount:</u> | | <u>County:</u> | Allegheny |

CALENDAR EVENTS

| <u>Case Calendar</u> | <u>Schedule</u> | | | | <u>Schedule</u> |
|----------------------|-------------------|-------------------|------------------------|---|-----------------|
| <u>Event Type</u> | <u>Start Date</u> | <u>Start Time</u> | <u>Room</u> | <u>Judge Name</u> | <u>Status</u> |
| Civil Action Hearing | 07/13/2020 | 8:30 am | Courtroom: MDJ-05-2-47 | Magisterial District Judge Scott H. Schricker | Continued |
| Civil Action Hearing | 08/17/2020 | 10:30 am | Courtroom: MDJ-05-2-47 | Magisterial District Judge Gary Michael Zyra | Scheduled |

CASE PARTICIPANTS

| <u>Participant Type</u> | <u>Participant Name</u> | <u>Address</u> |
|-------------------------|-------------------------|------------------------|
| Defendant | McBroom, Keith | Turtle Creek, PA 15145 |
| Plaintiff | LVNV Funding LLC | Canonsburg, PA 15317 |

DISPOSITION SUMMARY

| <u>Docket Number</u> | <u>Plaintiff</u> | <u>Defendant</u> | <u>Disposition</u> | <u>Disposition Date</u> |
|--------------------------|------------------|------------------|------------------------|-------------------------|
| MJ-05247-CV-0000095-2020 | LVNV Funding LLC | Keith McBroom | Judgment for Defendant | 08/17/2020 |

ATTORNEY INFORMATION**Private**

Name: Joshua Paul Ward, Esq.
Representing: McBroom, Keith
Counsel Status: Active - Entry of Appearance
Supreme Court No.: 320347
Phone No.: 412-545-3016
Address: The Law Firm Of Fenters Ward
 201 South Highland Avenue
 Suite 201
 Pittsburgh, PA 15206
Entry of Appearance Filed Dt: 07/07/2020
Withdrawal of Entry of Appearance Filed Dt:

Magisterial District Judge 05-2-47**DOCKET**

Docket Number: MJ-05247-CV-0000095-2020

Civil Docket

LVNV Funding LLC
v.
Keith McBroom

Page 2 of 2

DOCKET ENTRY INFORMATION

| <u>Filed Date</u> | <u>Entry</u> | <u>Filer</u> | <u>Applies To</u> |
|-------------------|------------------------------------|------------------------------------|--------------------------|
| 08/17/2020 | Judgment for Defendant | Magisterial District Court 05-2-47 | Keith McBroom, Defendant |
| 07/07/2020 | Intent to Defend Filed | Keith McBroom | Keith McBroom, Defendant |
| 07/07/2020 | Certified Civil Complaint Accepted | Magisterial District Court 05-2-47 | Keith McBroom, Defendant |
| 07/07/2020 | Entry of Appearance Filed | Joshua Paul Ward, Esq. | Keith McBroom, Defendant |
| 05/29/2020 | Certified Civil Complaint Issued | Magisterial District Court 05-2-47 | Keith McBroom, Defendant |
| 05/29/2020 | Civil Complaint Filed | LVNV Funding LLC | |

EXHIBIT B



July 6, 2020

LVNV Funding LLC
c/o Gregg Lawrence Morris, Esq.
Patenaude & Felix APC
501 Corporate Dr.
Southpointe Center, Suite 205
Canonsburg, PA 15317

Sent via U.S. Mail

Re: Our Client: Keith McBroom
Docket Number: MJ-05247-0000095-2020
Account #'s: XXX

To Whom It May Concern:

Please accept this letter as confirmation of my representation of **Keith McBroom** with a current address of **410 Church St Turtle Creek, PA 15145**. My representation of the above-mentioned client includes any related debt(s) and/or credit account(s) your company claims to have, sold, purchased and/or assigned from yourself, another creditor, debt buyer or other entity as of the date of this letter (the "Debts"). Please cease and desist any further communications with my client as it relates to the collection of Debts.

According to my client, your company has been reporting the above-referenced accounts to collection and/or credit agencies. My client denies owing **LVNV Funding LLC** any amount of money and demands proof of liability, accounting and ownership of these alleged accounts. The proof shall include any agreements and any amendments thereto, any other written or signed documents agreed to by my client, as well as, a complete history of billing statements reflecting how you calculated the current amount claimed, owed, reported to the collection and/or credit agencies and complete copies of any assignment documentation evidencing your ownership rights to the specific accounts.

Pursuant to the Consumer Financial Protection Act (**CFPA**) 12 U.S.C. 5533(a) and the Fair Debt Collection Practices Act (**FDCPA**) 15 U.S.C. § 1692 et seq. we request that you provide additional documents related to the Debt you claim is owed by our client:

1. the original account-level documentation reflecting all purchases, payments, or other actual uses of the account;
2. a document signed by our client evidencing the opening of the account forming the basis for the debt;
3. the name of the creditor at the time of charge-off, including the name under which the creditor did business with our client;

4. the last four digits of the account number associated with the debt at the time our client's last monthly account statement, or, if not available, at the time of charge-off; the charge-off balance;
5. ***LVNV Funding*** method of calculating any amount claimed in excess of the charge-off balance;
6. a copy of the statement where ***LVNV Funding*** offered to provide our client (within 30 days of a written request) with copies of a document signed by our client evidencing the opening of the account forming the basis for the debt; and the original account-level documentation reflecting a purchase, payment, or other actual use of the account.

Please be advised that at all times relative hereto, we are disputing this debt under the FDCPA, FCRA, FCEUA and/or the UTPCPL. **AS SUCH YOU MUST 1) NOTIFY ANY CRAs YOU HAVE FURNISHED INFORMATION TO THAT THIS TRADE LINE IS DISPUTED; 2) YOU MUST CEASE ALL COLLECTION ATTEMPTS AND DELETE THE TRADE LINE UPON FINAL DISMISSAL OF THE DEBT COLLECTION LAWSUIT IF JUDGMENT IS RENDERED IN FAVOR OF DEFENDANT.** You may direct the requested proof to my office at the address listed above. **YOU HAVE THIRTY (30) DAYS TO PROVIDE THE REQUESTED PROOFS.** All future correspondence or contact shall be directed to my office until my office provides written confirmation of termination of legal representation, if such termination should ever occur. **YOU MUST PROVIDE THIS NOTICE TO ANY ASSIGNEE, TRANSFEREE OR SUBSEQUENT OWNER OF THIS OR ANY DEBT. IF YOU FAIL IN ANY OF THESE REGARDS, YOU WILL BE SUBJECT TO LIABILITY UNDER FEDERAL AND STATE CONSUMER PROTECTION LAWS.**

Very Truly Yours,

/s/ Joshua P. Ward, Esq.

Joshua P. Ward, Esq.
Direct Dial: (412) 545-3015
Email: jward@fentersward.com

JPW/tmn

cc: Keith McBroom

Name and Address of Sender

THE LAW FIRM OF FENTERS WARD
201 SOUTH HIGHLAND AVE.
SUITE 201.
PITTSBURGH, PA 15206

Check type of mail or service

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature Required | <input type="checkbox"/> Priority Mail Express |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail |
| <input type="checkbox"/> Certified Mail | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation |
| <input type="checkbox"/> Collect on Delivery (COD) | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Priority Mail | |

Affix Stamp Here
(for additional copies of this receipt).
Postmark with Date of Receipt.

USPS Tracking/Article Number

Address (Name, Street, City, State, & ZIP CodeTM)

| Postage | (Extra Service) Fee | Handling Charge | Actual Value, If Registered | Insured Value | Decl. Sender, If COD | ASR Fee | ASRD Fee | RD Fee | RR Fee | SC Fee | SCRD Fee | SH Fee |
|---------|---------------------|---|-----------------------------|---------------|----------------------|-------------------------------------|--|--------|--------|--------|----------|--------|
| | | Handling Charge - If Registered and over \$50.00 in value | | | | | | | | | | |
| | | | | | | Adult Signature Required | | | | | | |
| | | | | | | Adult Signature Restricted Delivery | | | | | | |
| | | | | | | | Restricted Delivery | | | | | |
| | | | | | | | Return Receipt | | | | | |
| | | | | | | | Signature Confirmation | | | | | |
| | | | | | | | Signature Confirmation Restricted Delivery | | | | | |
| | | | | | | | Special Handling | | | | | |

3. Reim the Broo
CV-9S intent, Entry
Army First

LNUV Finding LLC, Gregg L. Mundy
Patenaude, & Felix APC, S01
Corporate Dr., Swampscott Centre
at 105 Canonsburg, PA 15317

7.

Number of Places
d by Sonder[illegible]

Postmaster, Per (Name of receiving employee)

3877, January 2017 (Page 1 of 2)
530-02-000-9098

Complete in Ink

Privacy Notice: For more information on USPS privacy, visit usps.com/privacy

EXHIBIT C



July 6, 2020

Magisterial District Number: 05-3-47

Honorable Scott H. Schricker

100 Penn Plaza Shopping Center

Penn Avenue

Turtle Creek, PA 15145

Phone: 412-824-6201

Sent via: Fax 412-824-6364

RE: CV-095-2020. LVNV Funding LLC. v Keith McBroom

INTENT TO DEFEND NOTICE:

DEFENDANT INTENDS TO ENTER A DEFENSE. PLEASE CONSIDER THIS NOTICE PER Pa. R. Civ. P. MAG DIST J RULE 305(4)(a).

PLEASE NOTIFY THE PLAINTIFF THAT DEFENDANT HAS ENTERED NOTICE TO DEFEND PER Pa. R. Civ. P. MAG DIST J RULE 318.

ALSO, PLEASE UPDATE THE DOCKET TO SHOW THAT DEFENDANT INTENDS TO DEFEND AS WELL AS OUR ENTRY OF APPEARANCE.

Sincerely,

/s/ Joshua P Ward

Joshua P. Ward, Esquire
PA Bar Number: 320347
Email: JWard@FentersWard.Com
Direct Dial: 1 (412) 545-3015

JPW/tmn

Cc: Gregg L. Morris, Esq.
Keith McBroom

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF



**ENTRY OF APPEARANCE
PURSUANT TO PARCPMDJ
207.1(A)**

Mag. Dist. No:

MDJ Name:

Address:

Telephone:

v.

Docket No:

Case Filed:

TO THE MAGISTERIAL DISTRICT COURT:

Please enter my appearance on behalf of _____
In the above captioned matter.

Attorney Name: _____

Supreme Court of Pennsylvania Attorney Identification Number: _____

Firm Name: _____

Address: _____

City, ST, Zip: _____

Telephone Number: _____

I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Joshua P. Ward

Signature of Applicant

Date



EXHIBIT D

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ALLEGHENY**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

| | |
|----------------|--|
| Mag. Dist. No: | MDJ-05-2-47 |
| MDJ Name: | Honorable Scott H. Schricker |
| Address: | 100 Penn Plaza Turtle Creek, PA 15145 |
| Telephone: | 412-824-6201 |

LVNV Funding LLC
v.
Keith McBroomJoshua Paul Ward, Esq.
The Law Firm Of Fenters Ward
201 South Highland Avenue
Suite 201
Pittsburgh, PA 15206Docket No: MJ-05247-CV-0000095-2020
Case Filed: 5/29/2020**Disposition Details****Disposition Summary** (cc - Cross Complaint)

| <u>Docket No</u> | <u>Plaintiff</u> | <u>Defendant</u> | <u>Disposition</u> | <u>Disposition Date</u> |
|--------------------------|------------------|------------------|------------------------|-------------------------|
| MJ-05247-CV-0000095-2020 | LVNV Funding LLC | Keith McBroom | Judgment for Defendant | 08/17/2020 |

Comments:

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS OR THE PHILADELPHIA MUNICIPAL COURT, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS OR THE PHILADELPHIA MUNICIPAL COURT AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS OR THE PHILADELPHIA MUNICIPAL COURT, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

AUG 17 2020

Scott H. Schricker

Date

Magisterial District Judge Scott H. Schricker

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date

Magisterial District Judge



RECEIVED AUG 19 2020

3234

LVNV Funding LLC
v.
Keith McBroom

Docket No.: MJ-05247-CV-0000095-2020

Participant List

Private(s)

Joshua Paul Ward, Esq.
The Law Firm Of Fenters Ward
201 South Highland Avenue
Suite 201
Pittsburgh, PA 15206

Plaintiff(s)

LVNV Funding LLC
c/o Patenaude & Felix, A.P.C.
501 Corporate Drive
Southpointe Center, Suite 205
Canonsburg, PA 15317

Defendant(s)

Keith McBroom
410 Church St
Turtle Creek, PA 15145

Authorized Agent - Plaintiff(s)

Gregg L Morris
Patenaude & Felix, A.P.C.
501 Corporate Drive
Southpointe Center, Suite 205
Canonsburg, PA 15317



VERIFICATION

I, JOSHUA P. WARD, ESQ., have read the foregoing COMPLAINT and verify that the statements therein are correct to the best of my personal knowledge, information, and/or belief. I have gained this information from discussions with Plaintiff. This verification is made on behalf of Plaintiff. Plaintiff will produce their verification if/when there is an objection by Defendant or upon directive from the court.

I understand that this verification is made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Respectfully submitted,

J.P. WARD & ASSOCIATES, LLC

Date: July 30, 2021

By: 

Joshua P. Ward (Pa. I.D. No. 320347)

Kyle H. Steenland (Pa. I.D. No. 327786)

J.P. Ward & Associates, LLC
The Rubicon Building
201 South Highland Avenue
Suite 201
Pittsburgh, PA 15206

Counsel for Plaintiff